

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WILLIAM C. FLOYD, JR.,

Plaintiff,

vs.

CAPTAIN HUBBER, et al.,

Defendants.

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8:05cv516

MEMORANDUM AND ORDER

This matter is before the court on Filing No. 73, the Motion for Reconsideration filed by the plaintiff, William C. Floyd, Jr., a pretrial detainee who fell and sustained injury while in custody. The plaintiff asserted federal civil rights claims pursuant to 42 U.S.C. § 1983, alleging deliberate indifference to his serious medical needs by DCCC corrections and medical staff, in violation of the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution and Eighth Amendment standards. However, the factual allegations of the plaintiff's Amended Complaint revealed merely a difference of opinion between the plaintiff and prison medical staff as to proper treatment. In addition, the conditions of confinement which may have contributed to the plaintiff's fall (cuffs and leg restraints) at most state a claim of negligence. Because the plaintiff has not stated a claim of federal constitutional magnitude, Filing No. 73, the Motion for Reconsideration, must be denied.

SO ORDERED.

DATED this 22nd day of May, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge